

EXHIBIT “N”

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERIWAY CORPORATION

Plaintiff,

v.

MAY YAN CHEN,

ABILITY CUSTOMS, INC.

Defendants

19 -cv-09407 (VSB)

**DEFENDANT'S FIRST
NOTICE TO ADMIT**

S I R S :

PLEASE TAKE NOTICE, that Defendants May Yan Chen (also May Yan Chen d/b/a Ability Customs Brokers) and Ability Customs, Inc. pursuant to Rule 36 of the Federal Rules of Civil Procedure hereby requests that Plaintiff, admit or deny separately and individually within thirty (30) days after the service of this notice a written admission of the truth of the statements and/or documents set forth herein.

INSTRUCTIONS:

- I. With respect to the five (5) cargo containers that are presently under the "control" of Defendant Chen, those specific containers shall be denominated as follows:
 - a. Container # OOCU6964350 [shall hereinafter be referred to as "Container A" or "Container #4350"];
 - b. Container #APHU7253481 [shall hereinafter be referred to as "Container B" or "Container #3481"];
 - c. Container #HLXU8057236 [shall hereinafter be referred to as "Container C" or "Container #7236"];

- d. Container #BMOU4738454 [shall hereinafter be referred to as "Container D" or "Container #8454"]; and
- e. Container #BMOU5390536 [shall hereinafter be referred to as "Container E" or "Container #0536"];

II. Plaintiff is directed to indicate whether the statement is admitted or denied by placing an "X" on the line so indicated

III. In the event Plaintiff responds to any statement of admission in the negative, it is hereby demanded that Plaintiff state in the affirmative the correct statement of admission on the line so indicated after each statement set forth hereinbelow.

IV. In the event Plaintiff responds to any statement of admission in the negative and does not have knowledge of the correct affirmative statement of admission, then in that event Plaintiff shall so respond on the line so indicated after each statement set forth hereinbelow.

V. XIYAN ZHANG shall hereinafter be referred to as "Zhang".

VI. Eagle Trading LLC shall hereinafter be referred to as "Eagle".

VII. Ameriway Corp shall hereinafter be referred to as Ameriway or Plaintiff.

VIII. Peter Wolfgram shall hereinafter be referred to as Wolfgram.

IX. May Y Chen d/b/a Ability Customs Brokers shall hereinafter be referred to as Ability or Defendant.

X. The Department of Homeland Security, U.S. Customs and Broder Protection Agency shall hereinafter be referred to as "Customs".

STATEMENTS OF ADMISSION DEMANDED OF PLAINTIFF:

1. With respect to container number 4350 (container A), attached as exhibit "A" is a true and accurate copy of the invoice for services rendered and expenses incurred by Ability Customs broker dated 10/14/2019.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

2. With respect to container "A", attached as exhibit "B" is a true and accurate copy of the entry summary for said container with customs.

Answer: Admit: X (P) Deny: _____

(Does not connect w/ Cont. "A")

Correct statement of admission: _____

3. With respect to container "A", attached as exhibit "C" is a true and accurate copy of the commercial invoice with respect to the contents of container "A".

Answer: Admit: _____ Deny: X

Correct statement of admission: Document is incomplete

4. With respect to container "A", attached as exhibit "D" is a true and accurate copy of the packing list for the contents of container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

5. With respect to container "A", attached as exhibit "E" is a true and accurate copy of the non-negotiable bill of lading for container "A".

Answer: Admit: _____ Deny: _____

Correct statement of admission: It is to knowledge to Ans after reasonable inquiry

6. With respect to container "A", attached as exhibit "F" is a true and accurate copy of the arrival notice for container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

7. With respect to container "A", attached as exhibit "G" is a true and accurate copy of the commercial invoice for container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

8. With respect to container number 3481 (container B), attached as exhibit "H" is a true and accurate copy of the invoice for services rendered and expenses incurred by Ability Customs Broker dated 10/14/2019.

Answer: Admit: _____ Deny: X (Request Alternate Invoice)

Correct statement of admission: Request

9. With respect to container "B", attached as exhibit "I" is a true and accurate copy of the entry summary for said container with customs.

Answer: Admit: X Deny: _____ (Request)

Correct statement of admission: Request EX 1 is an entry summary

10. With respect to container "B", attached as exhibit "J" is a true and accurate copy of the commercial invoice with respect to the contents of container "B".

Answer: Admit: _____ Deny: X

Correct statement of admission: The Document is incomplete.

11. With respect to container "B", attached as exhibit "K" is a true and accurate copy of the packing list for the contents of container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

12. With respect to container "B", attached as exhibit "L" is a true and accurate copy of the non-negotiable bill of lading for container "B".

Answer: Admit: _____ Deny: _____

Correct statement of admission: It is a knowledge to me after reasonable inquiry

13. With respect to container "B", attached as exhibit "M" is a true and accurate copy of the arrival notice for container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

14. With respect to container "B", attached as exhibit "N" is a true and accurate copy of the commercial invoice for container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

15. With respect to container number 7236 (container C), attached as exhibit "O" is a true and accurate copy of the invoice for services rendered and expenses incurred by Ability Customs Broker dated 10/14/2019.

Answer: Admit: _____ Deny: X (Request Alternate Invoice)

Correct statement of admission: _____

16. With respect to container "C", attached as exhibit "P" is a true and accurate copy of the entry summary for said container with customs.

Answer: Admit: X Deny: _____

Correct statement of admission: Don't Admit that Entry Summary for Container "C"

X 17. With respect to container "C", attached as exhibit Q" is a true and accurate copy of the commercial invoice with respect to the contents of container "C".

Answer: Admit: _____ Deny: X

Correct statement of admission: Document Incomplete

18. With respect to container "C", attached as exhibit "R" is a true and accurate copy of the packing list for the contents of container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

19. With respect to container "C", attached as exhibit "S" is a true and accurate copy of the non-negotiable bill of lading for container "C".

Answer: Admit: _____ Deny: _____

Correct statement of admission: No knowledge to this at reasonable inquiry

20. With respect to container "C", attached as exhibit "T" is a true and accurate copy of the arrival notice for container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

21. With respect to container "C", attached as exhibit "U" is a true and accurate copy of the commercial invoice for container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: Admit that content of container is accurate
Does not Admit Invoice.

22. With respect to container number 8454 (container D), attached as exhibit "V" is a true and accurate copy of the invoice for services rendered and expenses incurred by Ability Customs Broker dated 8/27/2019.

Answer: Admit: _____ Deny: X (Request copy of Alternate Invoice)

Correct statement of admission: _____

23. With respect to container "D", attached as exhibit "W" is a true and accurate copy of the entry summary for said container with customs. *(Does not Admit Entry Summary for "D")*

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

* 24. With respect to container "D", attached as exhibit "X" is a true and accurate copy of the commercial invoice with respect to the contents of container "D".

Answer: Admit: ☐ Deny: ☒

Correct statement of admission: Document incomplete.

25. With respect to container "D", attached as exhibit "Y" is a true and accurate copy of the packing list for the contents of container "D".

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

26. With respect to container "D", attached as exhibit "Z" is a true and accurate copy of the non-negotiable bill of lading for container "D".

Answer: Admit: ☐ Deny: ☐

Correct statement of admission: No knowledge.

27. With respect to container "D", attached as exhibit "AA" is a true and accurate copy of the arrival notice for container "D".

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

* 28. With respect to container number 0536 (container E), attached as exhibit "BB" is a true and accurate copy of the invoice for services rendered and expenses incurred by Ability Customs Broker dated 10/14/2019.

Answer: Admit: ☐ Deny: ☒

Correct statement of admission: _____

29. With respect to container "E", attached as exhibit "CC" is a true and accurate copy of the entry summary for said container with customs. *(Does not Admit Entry Summ. for Cont "E")*

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

* 30. With respect to container "E", attached as exhibit "DD" is a true and accurate copy of the commercial invoice with respect to the contents of container "E".

Answer: Admit: ☐ Deny: ☒

Correct statement of admission: Document Incomplete

31. With respect to container "E", attached as exhibit "EE" is a true and accurate copy of the packing list for the contents of container "E".

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

32. With respect to container "E", attached as exhibit "FF" is a true and accurate copy of the non-negotiable bill of lading for container "E".

Answer: Admit: ☐ Deny: ☐

Correct statement of admission: No knowledge

33. With respect to container "E", attached as exhibit "GG" is a true and accurate copy of the arrival notice for container "E".

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

34. With respect to container "E", attached as exhibit "HH/8" is a true and accurate copy of the commercial invoice for container "E".

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: Admit to list of contents of container

35. Zhang, is a shareholder of Ameriway.

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

36. Zhang, is not a shareholder of Ameriway.

Answer: Admit: ☐ Deny: ☒

Correct statement of admission: _____

37. Zhang, is a Director of Ameriway.

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

38. Zhang, is not a Director of Ameriway.

Answer: Admit: ☐ Deny: ☒

Correct statement of admission: _____

39. Zhang is an officer of Ameriway.

Answer: Admit: ☒ Deny: ☐

Correct statement of admission: _____

40. Zhang, is not an officer of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

41. Zhang, is the president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

42. Zhang what is the president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

43. Zhang, is a vice president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

44. Zhang, was vice president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

45. Zhang, is the treasurer of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

46. Zhang, was the treasurer of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

47. Zhang is the secretary of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

48. Zhang, was the secretary of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

49. Zhang is the CEO of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

50. Zhang, was the CEO of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

51. Zhang, is the COO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

52. Zhang was the COO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

53. Zhang, on behalf of Ameriway wrote one or more checks to Ability in payment of services and/or reimbursement of out-of-pocket expenses.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

54. Corporate minutes of Ameriway exist that identifies the shareholders of the corporation.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

55. Corporate minutes of Ameriway exist that identify the directors of the corporation.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

56. Corporate minutes of Ameriway exist but identify the officers of the corporation.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 57. A shareholders agreement of Ameriway exists.

Answer: Admit: X Deny: _____

want copy

Correct statement of admission: _____

58. Shares of Ameriway have been issued.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

*D/I ** 59. A corporate book for Ameriway exists.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

60. The parties to whom shares of Ameriway have been issued are recorded in the Ameriway corporate book.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

D/I name 61. Ameriway has an accountant that performs accounting services on his behalf as of this date.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

*** 62. Since 2017 Ameriway has filed corporate income taxes with the Internal Revenue Service.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

63. Ameriway has filed federal income taxes for the tax year 2017.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

64. Ameriway has filed federal income taxes for the tax year 2018.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

65. Ameriway has filed federal income taxes for the tax year 2019.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

66. Ameriway has filed federal income taxes for the tax year 2020.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

67. Ameriway presently maintains a bank account.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

68. Since 2017 Ameriway has maintained a bank account.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

DL * 69. In connection with any bank account that Ameriway maintained between 2017 to the present date, a corporate resolution was signed and filed with the bank at which the account was located.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

70. Eagle never paid Ameriway for any services rendered on its behalf during the period 2017 to the present.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

71. Eagle from time to time paid Ameriway for services rendered on his behalf during the period 2017 to the present.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

Doesn't make sense. 72. Ameriway never paid Eagle for any services rendered on its behalf during the period 2017 to the present.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

73. Ameriway from time to time paid Eagle for services rendered on his behalf during the period 2017 to the present.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

74. Ameriway is in the business of a provider of logistics for the importation of goods into the United States.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

DL licenses 75. In connection with its logistics business, Ameriway has one or more licenses to perform services on behalf of its customers/clients.

Answer: Admit: X Deny: _____ *Does not admit to having licenses*

Correct statement of admission: _____

DL 76. Ameriway is licensed to do business in the United States as a logistics provider.

Answer: Admit: X Deny: _____ *Does not admit has licenses*

Correct statement of admission: _____

D/H/True 77. Ameriway is not licensed to do business in the United States as a logistics provider.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

78. No license held by Ameriway to perform services as a logistic provider has been suspended or revoked in any state, country, or governmental jurisdiction since 2011.

Answer: Admit: X Deny: _____ *Does not Admit has license*

Correct statement of admission: _____

79. Ameriway presently has no employees.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

Q: # employees 80. Ameriway presently has employees.

Answer: Admit: X Deny: _____ *to extent Zhang is CEO*

Correct statement of admission: _____

81. During the Period 2017 through 2019 Ameriway had employees.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

82. Ameriway sent invoices to Eagle for services it rendered in connection with the import of goods into the United States.

Answer: Admit: _____ Deny: X

** Ameriway did not send Invoices.*

Correct statement of admission: _____

*** 83. Ameriway is the owner of the cargo in Container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

84. Ameriway is not the owner of the cargo in Container "A".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

D/H 85. Ameriway has in its possession documentation identifying the owner or owners of the cargo in Container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

86. Ameriway is the owner of the cargo in Container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

87. Ameriway is not the owner of the cargo in Container "B".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 88. Ameriway has in its possession documentation identifying the owner or owners of the cargo in Container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

89. Ameriway is the owner of the cargo in Container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

90. Ameriway is not the owner of the cargo in Container "C".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 91. Ameriway has in its possession documentation identifying the owner or owners of the cargo in Container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

92. Ameriway is the owner of the cargo in Container "D".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

93. Ameriway is not the owner of the cargo in Container "D".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 94. Ameriway has in its possession documentation identifying the owner or owners of the cargo in Container "D".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

95. Ameriway is the owner of the cargo in Container "E".


Answer: Admit: X Deny: _____

Correct statement of admission: _____

96. Ameriway is not the owner of the cargo in Container "E".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

 97. Ameriway has in its possession documentation identifying the owner or owners of the cargo in Container "E".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

98. During the period 2017 to the present, one or more written contracts have been entered into between Ameriway and Eagle.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

99. Ameriway was not the importer of record for Container "A".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

100. Ameriway was not the importer of record for Container "B".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

101. Ameriway was not the importer of record for Container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

102. Ameriway was not the importer of record for Container "D".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

103. Ameriway was not the importer of record for Container "E".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

104. Ameriway was not the importer of record for any container in which Ability was the customs broker during the period 2017 through 2019.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

105. Attached as Exhibit "II" is a true and accurate copy of the "Power of Attorney" entered into between Eagle and Ability.

Answer: Admit: _____ Deny: X

Correct statement of admission: Supply True copy of POA

106. At no time did Ameriway execute a power of attorney in which it gave the authority to Ability to act on its behalf with respect to the import of goods into or out of the United States.

Answer: Admit: _____ Deny: X Produce POA

Correct statement of admission: _____

107. Wolfgram is a shareholder of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

108. Wolfgram is a shareholder of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

109. Wolfgram is not a shareholder of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

110. Wolfgram is a Director of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

111. Wolfgram is not a Director of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

112. Wolfgram is an officer of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

113. Wolfgram is not an officer of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

114. Wolfgram is the president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

115. Wolfgram what is the president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

116. Wolfgram is a vice president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

117. Wolfgram was vice president of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

118. Wolfgram is the treasurer of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

120. Wolfgram was the treasurer of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

121. Wolfgram is the secretary of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

122. Wolfgram was the secretary of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

123. Wolfgram is the CEO of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

124. Wolfgram was the CEO of Ameriway.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

125. Wolfgram is the COO of Ameriway.
 Answer: Admit: _____ Deny: X

Correct statement of admission: _____

126. Wolfgram was the COO of Ameriway.
 Answer: Admit: _____ Deny: X

Correct statement of admission: _____

127. Wolfgram on behalf of Ameriway wrote one or more checks to Ability in payment of services and/or reimbursement of out-of-pocket expenses.
 Answer: Admit: _____ Deny: X

Correct statement of admission: _____

128. Company minutes of Eagle exist that identifies the members of the Company.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: Cannot testify on behalf of 3rd party

129. Company minutes of Eagle exist that identifies the managing members of the Company.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: Cannot testify

130. Company minutes of Eagle exist that identifies the officers of the Company.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

131. A members agreement of Eagle exists.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

132. A company book for Eagle exists.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

134. The members of Eagle have been recorded in the Eagle company book.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

135. Eagle has an accountant that performs accounting services on its behalf as of this date.
 Answer: Admit: _____ Deny: _____

Not an
 cannot
 testify
 on
 behalf
 of
 3rd
 party

Correct statement of admission: _____

136. Since 2017 Eagle has filed income taxes with the Internal Revenue Service.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

137. Eagle has filed federal income taxes for the tax year 2017.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

138. Eagle has filed federal income taxes for the tax year 2018.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

139. Eagle has filed federal income taxes for the tax year 2019.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

140. Eagle has filed federal income taxes for the tax year 2020.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

141. Eagle presently maintains a bank account.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

142. Since 2017 Eagle has maintained a bank account.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

143. In connection with any bank account that Eagle maintained between 2017 to the present date, a corporate resolution was signed and filed with the bank at which the account was located.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

144. Eagle is licensed to do business in the United States as a logistics provider.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

145. Eagle is not licensed to do business in the United States as a logistics provider.

Mother
cannot
testify
on
behalf
of
said
Party

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

146. No license held by Eagle been suspended or revoked in any state, country, or governmental jurisdiction since 2011.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

147. Eagle presently has no employees.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

148. Eagle presently has employees.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

149. During the Period 2017 through 2019 Eagle had employees.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

150. Eagle is the owner of the cargo in Container "A".

Answer: Admit: _____ Deny: ~~X~~

Correct statement of admission: _____

151. Eagle is not the owner of the cargo in Container "A".

Answer: Admit: ~~X~~ Deny: _____

Correct statement of admission: _____

152. Eagle has in its possession documentation identifying the owner or owners of the cargo in Container "A".

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

153. Eagle is the owner of the cargo in Container "B".

Answer: Admit: _____ Deny: ~~X~~

Correct statement of admission: _____

154. Eagle is not the owner of the cargo in Container "B".

Answer: Admit: ~~X~~ Deny: _____

Not on
record
testify
on
behalf
of
3rd party

cannot
testify

Correct statement of admission: _____

155. Eagle has in its possession documentation identifying the owner or owners of the cargo in Container "B".

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

156. Eagle is the owner of the cargo in Container "C".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

157. Eagle is not the owner of the cargo in Container "C".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

158. Eagle has in its possession documentation identifying the owner or owners of the cargo in Container "C".

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

159. Eagle is the owner of the cargo in Container "D".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

160. Eagle is not the owner of the cargo in Container "D".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

161. Eagle has in its possession documentation identifying the owner or owners of the cargo in Container "D".

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

162. Eagle is the owner of the cargo in Container "E".

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

163. Eagle is not the owner of the cargo in Container "E".

Answer: Admit: X Deny: _____

Correct statement of admission: _____

cannot
testify

cannot
testify

cannot
testify

164. Eagle has in its possession documentation identifying the owner or owners of the cargo in Container "E".

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

165. Wolfgram is not a shareholder of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

166. Wolfgram is a shareholder of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

167. Wolfgram, is a Director of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

168. Wolfgram, is not a Director of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

170. Wolfgram is an officer of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

171. Wolfgram, is not an officer of Ameriway.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

172. Wolfgram, is the president of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

173. Wolfgram what is the president of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

174. Wolfgram, is a vice president of Ameriway.

Answer: Admit: _____ Deny: X

Correct
test

Correct statement of admission: _____

175. Wolfgram, was vice president of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

176. Wolfgram, is the treasurer of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

177. Wolfgram, was the treasurer of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

178. Wolfgram is the secretary of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

179. Wolfgram, was the secretary of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

180. Wolfgram is the CEO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

181. Wolfgram, was the CEO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

182. Wolfgram is the COO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

183. Wolfgram was the COO of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

184. Wolfram on behalf of Ameriway wrote one or more checks to Ability in payment of services and/or reimbursement of out-of-pocket expenses.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

185. Company minutes of Eagle exist that identifies the members of the LLC.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

186. Company minutes of Eagle exist that identify the directors/managing members of the company.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

187. Company minutes of Eagle exist that identifies the officers of the company.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

188. An operating agreement of Eagle exists.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

189. A company book for Eagle exists.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

190. The parties to who are members of Eagle are recorded in the Eagle company book.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

191. Eagle has an accountant that performs accounting services on his behalf as of this date.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

192. Since 2017 Eagle has filed company income taxes with the Internal Revenue Service.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

193. Eagle has filed federal income taxes for the tax year 2017.

Answer: Admit: _____ Deny: _____

*Amway
Testing
on
behalf
of
3rd
party*

Correct statement of admission: _____

194. Eagle has filed federal income taxes for the tax year 2018.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

195. Eagle has filed federal income taxes for the tax year 2019.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

196. Eagle has filed federal income taxes for the tax year 2020.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

197. Eagle presently maintains a bank account.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

198. Since 2017 Eagle has maintained a bank account.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

199. In connection with any bank account that Eagle maintained between 2017 to the present date, a corporate resolution was signed and filed with the bank at which the account was located.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

200. Eagle is licensed to do business in the United States as a logistics provider.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

201. Eagle is not licensed to do business in the United States as a logistics provider.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

202. No license held by Eagle has been suspended or revoked in any state, country, or governmental jurisdiction since 2011.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

*Correct
Testify*

203. Eagle presently has no employees.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

204. Eagle presently has employees.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

205. During the Period 2017 through 2019 Eagle had employees.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

206. Zhang's signature appears on the power of attorney annexed at exhibit "II".
Answer: Admit: X Deny: _____

Correct statement of admission: _____

*Cannot
Testify*

207. On April 11, 2017 Zhang was the COO of Eagle.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

208. On April 11, 2017 Zhang held himself out as the COO of Eagle.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

209. On April 11, 2017 Wolfgram held himself out as an attorney representing Eagle.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

Privileged

210. On April 11, 2017 Wolfgram reviewed the power of attorney annexed as exhibit "II" and directed Zhang to sign the power of attorney on behalf of Eagle.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

211. Wolfgram never recommended to his client, Ameriway, to sign a power of attorney with Defendant to perform custom brokers services.
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

*OH
of POA*

212. Ameriway never signed a power of attorney with Defendant to perform custom brokers services.
Answer: Admit: _____ Deny: X

Correct statement of admission: _____

213. Zhang, as an officer and agent of Eagle signed the power of attorney annexed at Exhibit "II" to induce Defendant to perform custom brokers services on behalf of Eagle.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

214. Defendant never performed customs broker services on behalf of Ameriway.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

215. Defendant performed customs broker services on behalf of Eagle.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

216. Defendant did not perform customs broker services on behalf of Eagle.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

217. Defendant performed customs brokers services on Eagle's behalf with respect to the contents of Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

218. Defendant did not perform customs brokers services on Eagle's behalf with respect to the contents of Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

219. Defendant performed customs brokers services on Ameri way's behalf with respect to the contents of Container A.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

220. Defendant did not perform customs brokers services on Ameri way's behalf with respect to the contents of Container A.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

221. Defendant performed customs brokers services on Eagle's behalf with respect to the contents of Container B.

Can not Testify
Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

222. Defendant did not perform customs brokers services on Eagle's behalf with respect to the contents of Container B.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

223. Defendant performed customs brokers services on Ameri way's behalf with respect to the contents of Container B.

Answer: Admit: ☒ Deny: _____

Correct statement of admission: _____

224. Defendant did not perform customs brokers services on Ameri way's behalf with respect to the contents of Container B

Answer: Admit: _____ Deny: ☒

Correct statement of admission: _____

Can not Testify
225. Defendant performed customs brokers services on Eagle's behalf with respect to the contents of Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

226. Defendant did not perform customs brokers services on Eagle's behalf with respect to the contents of Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

227. Defendant performed customs brokers services on Ameri way's behalf with respect to the contents of Container C.

Answer: Admit: ☒ Deny: _____

Correct statement of admission: _____

228. Defendant did not perform customs brokers services on Ameri way's behalf with respect to the contents of Container C.

Answer: Admit: _____ Deny: ☒

Correct statement of admission: _____

Can not Testify
229. Defendant performed customs brokers services on Eagle's behalf with respect to the contents of Container D.

Answer: Admit: _____ Deny: _____

Correct
Test

Correct statement of admission: _____

230. Defendant did not perform customs brokers services on Eagle's behalf with respect to the contents of Container D.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

231. Defendant performed customs brokers services on Ameriway's behalf with respect to the contents of Container D.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

232. Defendant did not perform customs brokers services on Ameriway's behalf with respect to the contents of Container D.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

Correct
Test

233. Defendant performed customs brokers services on Eagle's behalf with respect to the contents of Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

234. Defendant did not perform customs brokers services on Eagle's behalf with respect to the contents of Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

235. Defendant performed customs brokers services on Ameriway's behalf with respect to the contents of Container E.

Admit: X Deny: _____

236. Defendant did not perform customs brokers services on Ameriway's behalf with respect to the contents of Container E.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

237. Ameriway did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container A.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

238. Ameriway did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container B.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

239. Ameriway did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container C.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

240. Ameriway did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container D.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

241. Ameriway did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container E.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

242. Eagle did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

243. Eagle did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container B.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

244. Eagle did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

245. Eagle did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container D.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

246. Eagle did not pay Defendant for any customs brokers services or money advanced with respect to the contents of Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

Continued
Testing

247. Ameriway entered into one or more contracts to perform services with respect to the contents of Container A.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

248. Ameriway entered into one or more contracts to perform services with respect to the contents of Container B.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

249. Ameriway entered into one or more contracts to perform services with respect to the contents of Container C.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

250. Ameriway entered into one or more contracts to perform services with respect to the contents of Container D.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

251. Ameriway entered into one or more contracts to perform services with respect to the contents of Container E.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

252. Ameriway sent an invoice for services it rendered with respect to the contents of Container A.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

253. Ameriway sent an invoice for services it rendered with respect to the contents of Container B.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

254. Ameriway sent an invoice for services it rendered with respect to the contents of Container C.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

255. Ameriway sent an invoice for services it rendered with respect to the contents of Container D.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

256. Ameriway sent an invoice for services it rendered with respect to the contents of Container E.
 Answer: Admit: _____ Deny: X

Correct statement of admission: _____

257. No claim has been asserted against Ameriway with regard to Container A or its contents.
 Answer: Admit: X Deny: _____

Correct statement of admission: _____

*Cannot
Testify*

258. No claim has been asserted against Eagle with regard to Container A or its contents.
 Answer: Admit: X Deny: _____

Correct statement of admission: _____

259. No claim has been asserted against Ameriway with regard to Container B or its contents.
 Answer: Admit: X Deny: _____

Correct statement of admission: _____

*Cannot
Testify*

258. No claim has been asserted against Eagle with regard to Container B or its contents.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

259. No claim has been asserted against Ameriway with regard to Container C or its contents.
 Answer: Admit: X Deny: _____

Correct statement of admission: _____

*Cannot
Testify*

260. No claim has been asserted against Eagle with regard to Container C or its contents.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

261. No claim has been asserted against Ameriway with regard to Container D or its contents.
 Answer: Admit: X Deny: _____

Correct statement of admission: _____

*Cannot
Testify*

262. No claim has been asserted against Eagle with regard to Container D or its contents.
 Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

263. No claim has been asserted against Ameriway with regard to Container E or its contents.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

264. No claim has been asserted against Eagle with regard to Container E or its contents.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

265. Ameriway has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container A.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

266. Eagle has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

267. Ameriway has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container A.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

268. Eagle has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

269. Ameriway has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container B.

Answer: Admit: X Deny: X

Correct statement of admission: _____

270. Eagle has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container B.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

271. Ameriway has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container B.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

3 cannot
Testify

272. Eagle has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container B.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

273. Ameriway has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container C.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

274. Eagle has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

275. Ameriway has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container C.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

276. Eagle has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

277. Ameriway has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container D.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

278. Eagle has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container D.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

279. Ameriway has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container D.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

3 cannot
Testify

280. Eagle has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container D.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

281. Ameriway has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container E.

Answer: Admit: X Deny: _____

Correct statement of admission: _____

282. Eagle has not made any payment(s) to any party claiming ownership to any part of the cargo contained in Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

283. Ameriway has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container E.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

284. Eagle has made one or more payments to a party that claims ownership in all or part of the cargo contained in Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

X 285. Ameriway has filed an insurance claim with regard to the cargo contained in Container A.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 286. Ameriway has filed an insurance claim with regard to the cargo contained in Container B.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 287. Ameriway has filed an insurance claim with regard to the cargo contained in Container C.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

X 288. Ameriway has filed an insurance claim with regard to the cargo contained in Container D.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

289. Ameriway has filed an insurance claim with regard to the cargo contained in Container E.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

290. Eagle has filed an insurance claim with regard to the cargo contained in Container A.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

286. Eagle has filed an insurance claim with regard to the cargo contained in Container B.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

287. Eagle has filed an insurance claim with regard to the cargo contained in Container C.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

288. Eagle has filed an insurance claim with regard to the cargo contained in Container D.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

289. Eagle has filed an insurance claim with regard to the cargo contained in Container E.

Answer: Admit: _____ Deny: _____

Correct statement of admission: _____

* 290. The contents of Container A were insured for loss and theft.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

291. The contents of Container B were insured for loss and theft.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

292. The contents of Container C were insured for loss and theft.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

293. The contents of Container D were insured for loss and theft.

Answer: Admit: _____ Deny: X

Cannot
Test

Correct statement of admission: _____

294. The contents of Container E were insured for loss and theft.

Answer: Admit: _____ Deny: X

Correct statement of admission: _____

Dated: Garden City, New York
December 14, 2021

Yours, etc.

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